

August 1, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON

700 Central Building, 810 Third Avenue  
Seattle, Washington 98104  
Phone (206) 296-4660 Fax (206) 296-1654

**DECISION ON A SEPA THRESHOLD DETERMINATION APPEAL  
AND REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL**

SUBJECT: King County Department of Development and Environmental Services  
File No. **L95P0003**, Proposed Ordinance No. 97-318

**WILDERNESS HEIGHTS**  
Threshold Determination Appeal and  
Preliminary Plat Application

Location: Between SE 264<sup>th</sup> Street and Lake Wilderness Drive, and  
between 232<sup>nd</sup> Place Southeast and 231<sup>st</sup> Place Southeast

Applicant: Armondo Scoccolo, *represented by:*  
**Joel Haggard**, Attorney At Law  
1200 Fifth Avenue, #1200, Seattle, WA 98101  
Phone: (206)682-5635 Fax: (206)623-5263

Appellants: Wilderness Estates Homeowners' Association, *represented by:*  
**Michael Duchemin**, Attorney At Law  
7415 – 203<sup>rd</sup> Street Southeast, Snohomish, WA 98296  
Phone: (206)949-4314 Fax: (360)668-2065

City of Maple Valley, *represented by:*  
**Lisa Marshall**, Attorney At Law  
4311 Northeast Sunset Boulevard, #100, Renton, WA 98059  
Fax: (206)226-5246

**Hugh H. Hotson, Jr.**  
911 Western Avenue, #500  
Seattle, WA 98104

Department of Development and Environmental Services, *represented by:*  
**Kim Claussen**, Land Use Services Division, Site Plan Review Section  
900 Oakesdale Avenue, Renton, WA  
Phone: (206)296-7167 Fax: (206)296-7051

SUMMARY OF RECOMMENDATIONS:

**SEPA:**  
Division's preliminary: Deny appeals  
Division's final: Deny appeals  
Examiner: Deny appeals

**PLAT:**

Division's preliminary:	Approve, subject to conditions
Division's final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

**PRELIMINARY MATTERS:**

Plat application submitted:	January 31, 1995
Notice of appeal received by Examiner:	May 23, 1997

**EXAMINER PROCEEDINGS:**

Pre-hearing conference:	June 13, 1997
Hearing opened:	July 18, 1997
Hearing adjourned/Administrative continuance:	July 18, 1997
Hearing Closed:	July 22, 1997

**ISSUES ADDRESSED:**

- Traffic circulation and distribution

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:****A. INTRODUCTION AND PROCEDURAL BACKGROUND**

- Owner/Developer: Armondo Scoccolo *represented by:* Joel Haggard  
2825 South 154<sup>th</sup> 1200 5<sup>th</sup> Avenue, #1200  
Seattle, WA 98188 Seattle, WA 98101
- Engineer: Baima & Holmberg, 100 Front Street South, Issaquah, WA
- Appellant: Wilderness Estates Homeowners' Assn., *represented by:*  
Michael Duchemin, 7415 - 203<sup>rd</sup> Street SE, Snohomish, WA
- Appellant: City of Maple Valley, *represented by:*  
Lisa Marshall, 4311 NE Sunset Blvd., #100, Renton, WA
- Appellant: Hugh H. Hotson, Jr., 911 Western Avenue, #500, Seattle, WA
- STR: 27-22-06
- Location: Generally between SE 264<sup>th</sup> Street and Lake Wilderness Drive, and between 232<sup>nd</sup> Place SE and 231<sup>st</sup> Place SE
- Zoning: SR 9600
- Acreage: 35.43 acres
- Number of Lots: 149
- Density: 4.2 dwelling units per acre
- Lot Size: Ranges from approximately 6,000 to 11,500 square feet
- Proposed Use: Single-family detached dwellings

Sewage Disposal:	Soos Creek Sewer & Water District
Water Supply:	Covington Water District
Fire District:	King County District #43
School District:	Tahoma School District
Complete Application Date:	January 31, 1995

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the July 18, 1997 public hearing are found to be correct and are incorporated herein by reference. Copies of the LUSD report will be attached hereto for submittal to the Metropolitan King County Council. The LUSD staff recommends denial of the SEPA appeals and approval of the preliminary plat application, subject to conditions.
3. An application was filed by Armondo Scoccolo on January 31, 1995, to subdivide 35.43 acres within the SR 9600 zone into lots for single family residential development. Pursuant to a revised preliminary plat submitted on June 13, 1997, the Applicant proposes to develop 149 lots on a largely wooded parcel lying approximately 500 feet southeast of Lake Wilderness.
4. A mitigated determination of non-significance was issued for this proposal on April 29, 1997. The MDNS conditions require the Applicant to construct eastbound and westbound left-turn lanes on SR 516 at the Witte Road SE intersection, along with signal modifications and channelization. In addition the Applicant will be required to provide a southbound left-turn lane and a northbound right-turn taper on Witte Road SE at its intersection with Southeast 268<sup>th</sup> Street. Timely appeals of the SEPA threshold determination were filed by the City of Maple Valley, the Wilderness Estates Homeowners' Association, and area property owner Hugh H. Hotson, Jr. All three appeals raise issues concerning project traffic and circulation.

## **B. SEPA THRESHOLD DETERMINATION APPEAL**

5. Due to area topography and the pattern of existing development, site access issues for Wilderness Heights have been in the forefront of the review process from the very beginning. The original traffic study performed for the proposal dated May 18, 1994 envisioned both northern and southern access points for the plat. The northern access was proposed to occur near the project's northwest corner where the undeveloped right-of-way for Southeast 260<sup>th</sup> Street enters the property. The expectation was that the Applicant would construct Southeast 260<sup>th</sup> Street west to 227<sup>th</sup> Place Southeast, which in turn connects to West Lake Wilderness Drive Southeast, 224<sup>th</sup> Avenue Southeast, and finally to Southeast 248<sup>th</sup> Street and Witte Road Southeast. The Gibson Traffic Consultants' report predicted that thirty percent of project traffic would use this northwesterly route as a primary access to SR 169 northbound and its associated commercial areas.
6. The Southeast 260<sup>th</sup> Street connection remained part of the traffic circulation planning for this project until March 1997, when a revised GTC traffic report eliminated it from further consideration. A number of factors appeared to have contributed to this decision, including the nearly unanimous opposition of the residential property owners along the West Lake Wilderness Drive route. In addition, upon further examination the physical limitations of this access route became more apparent. Not only are the existing serving streets undersized for the volumes anticipated, but as well the undeveloped portion of Southeast 260<sup>th</sup> Street contains steep sections which would be difficult to construct.

- The SEPA Appellants have raised questions concerning the possible construction of Southeast 260<sup>th</sup> Street east across the Burlington Northern right-of-way and out to SR 169. Although County staff does not oppose a future connection from this direction, the existing roadway east of the railroad right-of-way would require major upgrades for a substantial distance which would be an unreasonable burden to place on this Applicant. Accordingly, while a connection to the east at this location is viewed as a future possibility, it is not an equitable mitigation requirement with respect to this application.
7. SEPA Appellant Hugh H. Hotson, Jr. is also concerned with the Southeast 260<sup>th</sup> Street access issue but from a different perspective. Mr. Hotson owns an approximately 4-½ acre parcel located adjacent to Wilderness Heights on its western flank bordering proposed Lots 21 through 33. The currently undeveloped right-of-way for Southeast 260<sup>th</sup> Street lies along the northern boundary of his parcel. As proposed, Road J within Wilderness Heights would construct the northern half of Southeast 260<sup>th</sup> Street adjacent to Lot No. 149, but the southern half would remain unconstructed.
  8. Mr. Hotson would like Wilderness Heights to build Road J to full width so that it also serves his property. He additionally wants King County to provide him some assurance that the City of Maple Valley, which formally commences existence on August 31, 1997, in the future will not require him to build Southeast 260<sup>th</sup> Street west to Lake Wilderness Drive when he decides to subdivide his parcel. Unfortunately, it is not within the authority of this review process to accommodate Mr. Hotson's desires. The southern half of Road J would provide no benefit to Wilderness Heights, and its construction cannot be imposed on this Applicant. Likewise, it is not within the jurisdiction of the County to dictate to the City of Maple Valley limitations on its mitigation authority for any future plat proposed by Mr. Hotson.
  9. Resolution of the appeals by the City of Maple Valley and the Wilderness Estates Home Owners' Association depends primarily on an analysis of the trip distribution proposed by Gibson Traffic Consultants and approved by King County Department of Transportation. Clearly, the premises underlying the Applicant's distribution analysis have changed dramatically since 1994, owing primarily to the completion of the roadway network within two plats lying south of Wilderness Heights. In 1994 only Fernwood Estates and its servicing roadway network were in existence. Since that time Wilderness Estates has been completed to the west of Fernwood Estates, and Summit Estates to the east. Both of these new developments have added important new components to the roadway network south of Wilderness Heights.
  10. Construction of Wilderness Estates has provided the connecting links within a neighborhood collector system that loops from Witte Road east along Southeast 268<sup>th</sup> Street, then meanders north along Southeast 267<sup>th</sup> Place, and finally turns south into 235<sup>th</sup> Avenue Southeast to intersect SR 516.
  11. Completion of the Wilderness Estates roadway system, as well as that of Summit Estates to the east of Fernwood Estates, has doubled the inventory of north/south residential streets which will be available to convey traffic south from Wilderness Heights to the collector and arterial network. In 1994 the existing roadways consisted of 233<sup>rd</sup> Avenue Southeast, a neighborhood collector constructed at a 36-foot pavement width, and the northern extension of 235<sup>th</sup> Avenue Southeast constructed at 28-foot width with no sidewalks. Wilderness Estates and Summit Estates have added two new roadways to this system, both on the east and the west. To the west lies 231<sup>st</sup> Place Southeast, a sub-collector constructed at 28-foot pavement width with curb, gutter and sidewalk on both sides which connects to Wilderness Heights at its southwest corner, and empties south into the Southeast 267<sup>th</sup> Place section of the neighborhood collector system described

above. Southeast of Wilderness Heights a further sub-collector has been constructed within Summit Estates along 236<sup>th</sup> Place Southeast, which provides a second (and shorter) access from Wilderness Heights to SR 516 for eastbound traffic.

12. The essence of both the Wilderness Estates and Maple Valley appeals is that Gibson Traffic Consultants has not correctly analyzed the implications of this evolving roadway network, understating traffic impacts at certain key locations. For the Wilderness Heights Homeowners' Association the locations of concern are 231<sup>st</sup> Place Southeast and the Southeast 268<sup>th</sup> Street collector feeding west to Witte Road. For Maple Valley, on the other hand, the focus has been placed upon the intersection of 235<sup>th</sup> Avenue Southeast with SR 516.
13. It is certainly the case that GTC's distribution and volume figures have undergone a constant process of evolution since 1994, with a final adjustment occurring a scant few hours before the hearing began. What has remained relatively consistent, however, since elimination of the Southeast 260<sup>th</sup> Street option has been the over-all west/east assignment of traffic. As envisioned by GTC, seventy percent of Wilderness Heights traffic will orient to the west toward destinations accessed by SR 516 and Witte Road. The remaining thirty percent is predicted to travel eastbound and exit south directly to SR 516 either by 235<sup>th</sup> Avenue Southeast or by means of newly constructed 236<sup>th</sup> Avenue Southeast. This basic east/west split is based on historic distribution patterns and has not been seriously challenged. The issues are rather whether some westbound traffic will choose to access SR 516 via 235<sup>th</sup> Southeast instead of Southeast 268<sup>th</sup> Street, and the proper allocation of traffic among other residential connecting streets. Finally, the cumulative impacts of project traffic combined with other flows are subject to dispute. These total volume figures have fluctuated as the project's horizon year has been pushed back and shifts in existing traffic patterns resulting from completion of the neighborhood collector system have been documented and analyzed.
14. The issue with respect to overall volumes and turning movements at the intersection of 235<sup>th</sup> Avenue Southeast and SR 516 resolves into a question of specific distribution patterns. Mr. Reed, the principal witness for Maple Valley, contends that a significant percentage of Wilderness Heights traffic from the SR 516 corridor west of Witte Road will not return to the neighborhood via the upgraded left-turn storage lane at SR 516 onto Witte Road (leading to a right-turn into the neighborhood at Southeast 268<sup>th</sup> Street) but rather will continue through the Witte Road intersection on SR 516 and take a left-turn at 235<sup>th</sup> Avenue Southeast. Based on this hypothesis, Mr. Reed contends that this inter-section will not carry just the fifteen percent of project traffic predicted by GTC, but indeed will be impacted by more than twenty-two percent. In view of these projected heavier volumes, Mr. Reed believes that intersection mitigation by the Applicant may be warranted, including left-turn lanes on SR 516.
15. The Applicant's traffic consultants have responded to this hypothesis in a number of ways. First, they have run time trials during the evening peak hour and determined that there is no time advantage to taking the 235<sup>th</sup> Avenue Southeast route. Second, they have pointed out that the 235<sup>th</sup> Avenue Southeast route is counter-intuitive to the extent that Wilderness Heights drivers would experience it as taking them east of their destination, requiring them to backtrack to the west. Third, GTC and Mr. Logan both have emphasized the greater comfort that drivers will experience choosing a left-turn lane with signal phasing at SR 516/Witte Road and the wide entry through Wilderness Estates provided by the newly constructed Southeast 268<sup>th</sup> Street neighborhood collector. They contrast this comfort with the greater stress produced by having to make an uncontrolled left-turn across SR 516 without the benefit of a storage lane.

16. The critical argument in favor of GTC's position results from the data recently collected at the intersection of 235<sup>th</sup> Avenue Southeast with SR 526, which shows that since completion of the Southeast 268<sup>th</sup> Street neighborhood collector traffic volumes at the 235<sup>th</sup> Avenue Southeast intersection have decreased. As stated within GTC's latest traffic study revision dated July 11, 1997:

“GTC has obtained new June 1997 weekday traffic counts for the SR 516/235<sup>th</sup> Avenue intersection from an independent traffic data collection firm (Traffic Count Consultants). The counts were conducted for the critical weekday p.m. peak, per standard Highway Capacity Manual methodology. GTC compared the new 1997 eastbound left-turn and southbound right-turn movements to the 1992 turning movement volumes obtained before the 268<sup>th</sup> Street link was constructed. The 1997 counts for the southbound right-turn (18 vhp) and eastbound left-turn (15 vhp) are only fifty percent of the 1992 data (34 vhp SB RT and 32 vhp EB LT). This clearly shows the traffic from the recently fully occupied Wilderness Estates (same vicinity as Wilderness Heights) does not utilize 235<sup>th</sup> Avenue to access SR 516 westbound and the 268<sup>th</sup> connection drew traffic away from 235<sup>th</sup> Street/SR 516 intersection because of the . . . advantages of the 268<sup>th</sup> Street route and the fact that people do not like to backtrack even if the travel time is approximately the same.”
17. The effect of this recent traffic count data is multifold. First, it confirms GTC's assignment of a fifteen percent of Wilderness Heights' project traffic to the 235<sup>th</sup> Avenue Southeast/SR 516 intersection as being reasonable. Second, it confirms that this intersection will not carry sufficient Wilderness Heights traffic to require analysis under the County's Intersection Standards. Moreover, even employing the 22-1/2 percent trip assignment argued for by Mr. Reed, it is undisputed that the SR 516/235<sup>th</sup> Avenue Southeast intersection would operate at no less than a Level of Service D in the project's horizon year. Finally, while it is acknowledged that traffic volumes at SR 516/235<sup>th</sup> Avenue Southeast may meet minimum WSDOT warrants for construction of a left-turn lane, the intersection's acceptable Level of Service does not trigger an actual need for a left-turn lane, nor do the intersection's historic low accident rates require such an upgrade as a safety improvement.
18. The June 1997 peak hour traffic count commissioned by the Applicant also demonstrated that GTC had overstated the background growth rate at the intersection of Southeast 268<sup>th</sup> Street and Witte Road, with the consequence that GTC's 1998 baseline projection is elevated some sixteen percent above the actual 1997 count. This new data has allowed GTC to revise its 1998 total ADT volume at the Southeast 268<sup>th</sup> Street/Witte Road intersection from 2,825 to 2,320 based on a substantial reduction in the background ADT. While the King County Road Standards do not impose a maximum ADT on neighborhood collectors, staff testimony suggests that a maximum ADT of approximately 3,000 vehicles is a policy target. Accordingly, the 1,000 ADT that is projected to be generated by Wilderness Heights at this intersection after reallocation of traffic originally projected to use the Southeast 260<sup>th</sup> Street northern access still leaves total volumes along this neighborhood collector route within an acceptable range. While these figures remain higher than the normally accepted residential street comfort range of about 1,200 ADT, the Southeast 268<sup>th</sup> Street route has been designed as a neighborhood collector with both appropriate width and minimization of lots which directly access the roadway and therefore can accommodate these higher traffic levels.

19. Proportionally, the most severe impacts from Wilderness Heights will be experienced along newly constructed 231<sup>st</sup> Place Southeast within Wilderness Estates, which is currently a dead-end with an ADT of approximately 200. After it is connected to Road A within Wilderness Heights, 231<sup>st</sup> Place Southeast is projected to receive a further 800 ADT for a total of 1,000. This will certainly alter the current nature of this roadway, but the resulting levels are consistent with its sub-collector designation and beneath the 1,200 ADT previously referenced as a point where residential use begins to become stressed by excessive traffic. The other north/south streets which will serve Wilderness Heights traffic --- 233<sup>rd</sup> Avenue Southeast, a neighborhood collector; the upper end of 235<sup>th</sup> Avenue Southeast; and the newly constructed 236<sup>th</sup> Place Southeast sub-collector --- all will operate at acceptable traffic volumes ranging from 585 ADT for 233<sup>rd</sup> Avenue Southeast to 750 ADT for 236<sup>th</sup> Place Southeast. While it would certainly be desirable to achieve a more even traffic balance between 231<sup>st</sup> Place Southeast and 233<sup>rd</sup> Avenue Southeast, the heavier assignment to the more westerly road seems to be warranted by the assumption that westbound traffic will be naturally attracted to that route. But since the distances traversed and the geometrics of the two roads are similar, a more equal balance may naturally evolve. Nonetheless, the heavier assignment to 231<sup>st</sup> Place Southeast within the traffic study is justified as a worst-case scenario for analytical purposes. We also agree with the Applicant's representatives that signage along Wilderness Heights Road A encouraging traffic to use 233<sup>rd</sup> Avenue Southeast is probably ineffective as a mitigation and may even be counter-productive to the extent that it suggests that 231<sup>st</sup> Place Southeast is somehow a more attractive travel route.
20. The evolving nature of the road system serving the Wilderness Heights neighborhood has required the Applicant's consultants, GTC, to perform not only an initial 1994 traffic study, but as well four addenda upgrading and refining their conclusions. It should be noted that this constant activity was not entirely the product of GTC's own zeal and enthusiasm but rather was largely in response to issues raised by the King County Department of Transportation staff and their pointed criticisms of earlier work product. We note, for example, a January 17, 1996 memorandum from Senior Traffic Engineer Paulette Norman generated as part of the SEPA review process which identifies specific areas where upgraded information within the Applicant's traffic study will be required. While the foregoing discussion has been largely in terms of GTC's data, the analytical process was very much directed by the active involvement by County staff.

### C. PRELIMINARY PLAT APPLICATION

21. Although traffic issues have dominated the review of this project, other aspects of the preliminary plat application warrant discussion as well. Neighborhood concerns that this plat will have adverse impacts to water quantity and quality north within Lake Wilderness seem to be precluded by the fact that onsite gravelly soils will permit all site run-off to be infiltrated, thus eliminating the potential of any offsite flows. Soils porosity also explains the absence of stream and wetland features on the site. Finally, while the property does have an undulating terrain, no slopes in excess of forty percent have been identified.
22. Other site service capacity issues have also been subject to review. In particular, although the Covington Water District is currently under a moratorium for further water hook-ups, it made a prior commitment to this project and has issued a certificate of availability indicating that this commitment will be honored. Similarly, the Tahoma School District reports crowding and the use of portables but has adopted capacity figures which show accommodation for students from this project through the year 2001.

### CONCLUSIONS:

1. The basic standard to be applied to the review of a threshold determination appeal is that the SEPA record must demonstrate the actual consideration of relevant environmental impacts. With respect to those relevant impacts shown to be actually considered, the decision of the SPEA official is entitled to substantial weight on review and shall not be overturned unless clearly erroneous based on the record as a whole.
2. The SEPA record discloses actual consideration by the Department of Development and Environmental Services of the potential environmental impacts of this proposal. The Appellants have not met their burden of proof to demonstrate that the determination of non-significance is either contrary to law or inadequately supported by the record and therefore clearly erroneous.
3. Traffic distribution projections involve predictions about patterns of human behavior and, as such, are endlessly debatable. With respect to a neighborhood roadway system which is still in the process of evolution, it is always possible to argue that some human beings will behave differently from whatever model is used. Nonetheless, the GTC traffic projections as they have evolved over the last three years have reached reasonable trip distribution conclusions consistent with available information and standard data assumptions. Moreover, there is no reason to believe that another study of these issues would produce a greater degree of certainty. County staff has been intensely involved with the analysis of traffic issues for this neighborhood, and GTC's ultimate conclusions also reflect to a large degree the analytical input of County staff. While the precise predictions may be subject to some variation, they are cushioned with sufficient margin of error that the results of such variations should fall within an acceptable range.
4. Based on the record, the decision of the SEPA official is not clearly erroneous, is supported by the evidence of record, and assures that there is no probability of significant adverse environmental impacts.

**DECISION:**

The threshold determination appeals of the City of Maple Valley, the Wilderness Estates Homeowners' Association, and Hugh H. Hotson, Jr. are DENIED. The MDNS issued by the Department of Development and Environmental Services on April 29, 1997 is affirmed.

**RECOMMENDATION:**

APPROVE the preliminary plat of Wilderness Heights as revised and received on June 13, 1997 subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The area and dimensions of all lots shall meet the minimum requirements of the SR9600 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.



5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code. If all lots are 35,000 square feet in size or more, or if the subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acre, the subdivision is exempt per KCC 17.08.030.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Pubic Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:
 

“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”
8. The following conditions specifically address drainage issues for this particular plat: Infiltration is proposed for addressing stormwater control on this site. Soils on the site have been shown conducive to infiltration in a report titled, “Subsurface Exploration and Infiltration Analysis,” by Scott Traverso, P.E., received August 4, 1995. The measured infiltration rate is well in excess of the rate required in the King County Surface Water Design Manual.
 

A variance (L95V0123) to the KCSWDM was applied for and approved for this project. All conditions of approval for this variance shall be complied with at engineering plan submittal. All other aspects of the drainage design shall meet the requirements of the 1990 King County Surface Water Design Manual and updates, per condition no. 7 (above).

In addition, the Applicant shall demonstrate at engineering plan submittal that no adverse impacts will result from the post developed Basin C drainage (approximately 0.5 acres SW corner of plat).
9. The following minimum road improvements are required with this subdivision to be constructed according to the 1993 King County Road Standards:

- a. Roads A, C, E, and J shall be improved to the urban neighborhood collector standard.
  - b. Roads B and D shall be improved to the urban sub-collector standard.
  - c. Roads, G, H and road serving Lots 7—28 shall be improved to the urban sub-access standard.
  - d. Roads F, K, I, and roads serving Lots 136—142, 109—121 and 84—93 shall be improved to the urban minor access standard.
  - e. Tracts C, E, F, G, H, I, J, L, and M shall be designed as private access tracts and joint use driveways in accordance with Sections 2.09 and 3.01 KCRS. The lots served by the joint use driveways and private access tracts shall be responsible for the ownership and maintenance of the tracts. A note to this affect, with lots identified, shall be shown on the engineering plans and final plat.
  - f. A pedestrian access tract (Tract N) shall be provided from the interior road to the east property line. An easement for public use shall be granted over this tract. This tract shall be a minimum of 10 feet in width and improved in accordance with Section 3.08 KCRS.
  - g. A roadway barricade shall be located at the west terminus of Road J, in accordance with KCRS 5.07.
  - h. Modifications to the above road conditions may be made in conformance with the variance provisions of the 1993 King County Road Standards, Section 1.08.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, “All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid”; if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Ordinance 10162 and Ordinance 12198, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. The planter islands (if any) within cul-de-sacs shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.

14. A fee-in-lieu of recreation space shall be paid by the Applicant to King County. The amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 19.38.
15. The following have been established by SEPA as necessary requirements of this development as mitigation. The Applicants shall demonstrate compliance with these items prior to final approval.
  - a. To mitigate the development's impacts at SR 516 & Witte Road Southeast, the developer shall construct:
    - 1) Eastbound and westbound left-turn lanes on SR 516 at Witte Road Southeast. Signal modifications, channelization, and illumination plans must be approved by WSDOT prior to final engineering plan approval (KCC 14.80).
  - b. To mitigate the development's impacts on Southeast 268<sup>th</sup> Street & Witte Road Southeast, the developer shall construct:
    - 1) A southbound left-turn lane and a northbound right-turn taper on Witte Road Southeast at Southeast 268<sup>th</sup> Street. Channelization and illumination plans must be approved by King County Traffic Engineering prior to final engineering approval (KCC 14.80).

ORDERED this 1<sup>st</sup> day of August, 1997.

---

Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 1<sup>st</sup> day of August, 1997, to the following parties and interested persons:

Oren Bray  
25927 – 227th Place SE  
Maple Valley, WA 98038

Sandra Doyle  
25606 Lake Wilderness Place SE  
Maple Valley, WA 98038

Michael A. Duchemin  
Attorney At Law  
7416 - 203rd Street SE  
Snohomish, WA 98296

Daniel/Lisa Dunajski  
25825 W. Lk. Wilderness Dr. SE  
Maple Valley, WA 98038

Lake Wilderness Shore Acre Estate  
25901 - 227th Place SE  
Maple Valley, WA 98038

Mike/Linda Fjeld  
22827 SE Lake Wilderness Drive  
Maple Valley, WA 98038

Vickie Gaskill  
26122 - 230th Avenue SE  
Maple Valley, WA 98038

Tina Able  
26619 – 231<sup>st</sup> Place SE  
Maple Valley, WA 98038

Joel Haggard  
Attorney At Law  
1200 Fifth Avenue, #1200  
Seattle, WA 98101

Ole Hedahl  
25901 - 227th Place SE  
Maple Valley, WA 98038

Shupe Holmberg  
Baima & Holmberg, Inc.  
100 Front Street South  
Issaquah, WA 98027

Owen/Renae Jensen  
23033 SE Lk. Wilderness Dr.  
Maple Valley, WA 98038

Mary/Roger King  
25414 Lk. Wilderness Pl. SE  
Maple Valley, WA 98038

Patrick/Kelli LaFranchi  
25818 - 227th Place SE  
Maple Valley, WA 98038

Don/Teresa Long  
25916 - 227th Place SE  
Maple Valley, WA 98038

Lisa Marshall  
Attorney At Law  
4311 NE Sunset Blvd., #100  
Renton, WA 98059

Alana/Daniel McIalwain  
22844 SE Lk. Wilderness Dr. SE  
Maple Valley, WA 98038

E.C./Linda McMonagle  
25616 Lk. Wilderness Lane SE  
Maple Valley, WA 98038

John Merlino  
Harbour Homes  
1010 South 336th Street, #215  
Federal Way, WA 98003

Jerry Moreland  
25905 - 227th Place SE  
Maple Valley, WA 98038

New Construction Services  
17233 - 140th Avenue SE, #5  
Renton, WA 98058

David Perry  
26444 - 231st Place SE  
Maple Valley, WA 98038

Wayne Peterson  
25804 - 226th Place SE  
Maple Valley, WA 98038

John/Lora Price  
25813 - 227th Place SE  
Maple Valley, WA 98038

Tina Rush  
26016 - 230th Avenue SE  
Maple Valley, WA 98038

Armondo Scoccolo  
2825 South 154<sup>th</sup>  
Seattle, WA 98188

John L. Scott Land Department  
3380 - 146th Place SE, #450  
Bellevue, WA 98007-6472

John Starbard  
Phillip K. Kushlan & Associates  
PO Box 40324  
Bellevue, WA 98015-0324

Patty Warr  
22831 SE 260<sup>th</sup>  
Maple Valley, WA 98038

Ed Koltonowski  
Gibson Traffic Consultants  
1712 Pacific Avenue, #100  
Everett, WA 98201

John J. Logan  
P.O. Box 15189  
Seattle, WA 98115-0189

Hugh H. Hotson, Jr.  
911 Western Avenue, #500  
Seattle, WA 98104

Diane White  
4311 NE Sunset Blvd., #100  
Renton, WA 98059

Carol/Burton Williams  
23057 SE Lake Wilderness Drive  
Maple Valley, WA 98038

Kim Claussen, DDES, Land Use Services Division, Site Plan Review Section  
Marilyn Cox, DDES, Land Use Services Division, SEPA Section  
Rich Hudson, DDES, Land Use Services Division, SEPA Section  
Bruce Whittaker, DDES, Land Use Services Division, Engineering Review Section

### **PLAT** **NOTICE OF RIGHT TO APPEAL**

In order to appeal the decision of the Examiner on the preliminary plat application, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before August 15, 1997**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before August 22, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the Hearing Examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### **SEPA DECISION**

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding SEPA appeals.

**MINUTES OF THE JULY 18, 1997 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L95P0003 — WILDERNESS HEIGHTS COMBINED THRESHOLD DETERMINATION APPEAL AND PRELIMINARY PLAT APPLICATION:**

Stafford L. Smith was the Hearing Examiner in this matter. Participating at the hearing were Joel Haggard/ Attorney At Law/Applicant, Lisa Marshall/Attorney At Law/City of Maple Valley, Michael Ducheim/ Attorney At Law/Wilderness Estates Homeowners' Association, Hugh H. Hotson/Appellant, Michael Reed/KJS Associates, Inc., Tina Able/WEHA, Ed Koltonowski/Gibson Traffic Consultants, John Logan, Kim Claussen/DDES-LUSD-Site Plan Review, Paulette Norman/KCDOT, Bruce Whittaker/DDES-LUSD-Engineering Review, and Rich Hudson/DDES-LUSD-SEPA Section

On July 18, 1997 the following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services file no. L95P0003
- Exhibit No. 2 Department of Development and Environmental Services preliminary staff report prepared for the July 18, 1997 public hearing on file no. L95P0003/Wilderness Heights/plat application and threshold determination appeal
- Exhibit No. 3 Subdivision application no. L95P0003, dated received January 31, 1995 by KC Land Use Services
- Exhibit No. 4 Environmental Checklist, dated received January 31, 1995, for Wilderness Heights/L95P0003
- Exhibit No. 5 Mitigated Determination of Nonsignificance for Wilderness Heights (file no. L95P0003), dated received April 30, 1997
- Exhibit No. 6 Affidavit of posting, indicating June 18, 1997 as date of posting and June 19, 1997 as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map, dated June 13, 1997 (revision), prepared by Baima & Holmberg, Inc.
- Exhibit No. 8 Land use map ESW 27-22-6, dated received January 17, 1984 by KC Division of Planning
- Exhibit No. 9 King County assessors map, SW 27-22-6
- Exhibit No. 10 SEPA appeal letters
- Exhibit No. 11 Terra Associates, Inc., Wildlife and habitat evaluations, dated August 2, 1995
- Exhibit No. 12 Gibson Traffic Consultants, Traffic Impact Analysis (L95P0003), dated received August 4, 1995
- Exhibit No. 13 Gibson Traffic Consultants, Traffic Update Analysis (L95P0003), dated received Feb. 26, 1996
- Exhibit No. 14 Gibson Traffic Consultants, Traffic Analysis Addendum(L95P0003), dated received Mar. 11, 1996
- Exhibit No. 15 Gibson Traffic Consultants, Traffic Analysis Addendum(L95P0003), dated received Jan. 16, 1997
- Exhibit No. 16 Surface Water Management file L95V0123/Wilderness Heights preliminary variance request
- Exhibit No. 17 Baima & Holmberg, Inc., Level 2 Downstream Drainage Analysis for Wilderness Heights, dated August 3, 1995
- Exhibit No. 18 Scott Traverso P.E., Inc., Subsurface Exploration and Infiltration Analysis of Lake Wilderness Heights, dated August 3, 1995
- Exhibit No. 19 Environmental Associates, Inc., synopsis of Hydrogeologic Setting, Wilderness Heights Development, dated August 4, 1995
- Exhibit No. 20 DDES map, with attached road(s) condition notations
- Exhibit No. 21 DDES map, with photos attached
- Exhibit No. 22 Department of Development and Environmental Services preliminary staff report additional/revised recommendations for L95P0003/Wilderness Heights
- Exhibit No. 23 Packet of 16 neighborhood letters with dates and names noted on index page
- Exhibit No. 24 Letter, dated July 7, 1997, from KJS Associates, Inc., to Marilyn Cox/SEPA Section, re: technical review of traffic impact studies for the MDNS of Wilderness Heights (file no. L95P0003)

- Exhibit No. 25 Letter, dated July 8, 1997, from Joel Haggard/Attorney At Law, to King County Hearing Examiner, re: expert witnesses/Wilderness Heights/L95P0003, with attachments
- Exhibit No. 26 Letter, dated July 17, 1997, from Joel Haggard, to Hearing Examiner, re: additional traffic studies/Wilderness Heights/L95P0003, with attachments
- Exhibit No. 27 Hearing memorandum, dated July 17, 1997, from Lisa Marshall/Attorney At Law, re: L95P0003
- Exhibit No. 28 Plat map (Wilderness Heights), with overlay of traffic patterns
- Exhibit No. 29 Ed Koltonowski, traffic time run data
- Exhibit No. 30A Letter dated February 22, 1996, from WSDOT, to Kim Claussen
- Exhibit No. 30B Letter dated March 15, 1996, from WSDOT, to Kim Claussen
- Exhibit No. 30C Letter dated May 16, 1996, from WSDOT, to Kim Claussen

Pursuant to administrative continuance, on July 22, 1997 the following exhibits were offered and entered into the hearing record:

- Exhibit No. 31 Packet of information re: Wilderness Heights L95P0003
- Exhibit No. 32 Letter, dated July 24, 1997, from Joel Haggard, to Hearing Examiner
- Exhibit No. 33 E-Mail, dated July 24, 1997, from Kim Claussen, to Hearing Examiner, with attachment

SLS:var

\\plats\l95\l95p0003 rpt